

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN DOE, et al.,  
Plaintiffs,

v.

SELECTIVE SERVICE SYSTEM,  
UNITED STATES,  
Defendant.

Case No. 23-cv-02403-JST

**ORDER GRANTING MOTION FOR  
RELIEF FROM A NON-DISPOSITIVE  
PRETRIAL ORDER OF A  
MAGISTRATE JUDGE**

Re: ECF No. 13

Before the Court is Plaintiffs’ motion for relief from a non-dispositive pretrial order of a magistrate judge, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and Civil Local Rule 72–2. ECF No. 13. Plaintiffs ask the Court to set aside Judge Ryu’s order denying Plaintiffs’ request to proceed in forma pauperis (“IFP”). ECF No. 9.<sup>1</sup> The Court will grant the motion.

The application for IFP stated that Jane Doe’s net earnings from the previous month were \$1,194, and within the previous year, she earned only \$8,940 from sporadic “gigs,” among other a few other sources of income. *Id.* In light of Jane Doe’s listed income, the Court finds that she “cannot pay the court costs and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948)).

After careful consideration, the Court grants Plaintiffs’ motion for relief from a non-dispositive pretrial order. Plaintiffs are hereby granted IFP status, and no payment is due. The

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<sup>1</sup> Plaintiffs missed the first deadline to file objections to Judge Ryu’s report and recommendation. The Court granted Plaintiffs an extension to file objections, which they also subsequently missed. ECF No. 15. Therefore, the Court will act upon the objections detailed in Plaintiffs’ motion for relief from a non-dispositive pretrial order. ECF No. 13.

Clerk of Court shall issue the summons. Furthermore, the U.S. Marshal for the Northern District of California shall serve, without prepayment of fees, a copy of the complaint, any amendments or attachments, Plaintiffs' affidavit and this order upon Defendant. While this case is pending, Plaintiffs must promptly inform the Court of any change of address. Failure to do so may result in dismissal of this action.

**IT IS SO ORDERED.**

Dated: December 11, 2023

  
JON S. TIGAR  
United States District Judge

United States District Court  
Northern District of California